

3

1 McGREGOR W. SCOTT
United States Attorney
2 JEFFREY J. LODGE
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, California 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for the United States
Federal Communications Commission

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:
TULARE LOCAL HEALTHCARE DISTRICT.

Case No. 17-13797
Chapter 9

**NOTICE OF OBLIGATIONS OF
TULARE LOCAL HEALTHCARE
DISTRICT dba TULARE
REGIONAL MEDICAL CENTER
PURSUANT TO LICENSES
ISSUED AND REGULATED BY
THE FEDERAL
COMMUNICATIONS
COMMISSION**

Debtor.

1. The United States of America, on behalf of the Federal Communications Commission (“FCC”), by and through the United States Attorney for the Eastern District of California, hereby provides notice that Tulare Local Healthcare District dba Tulare Regional Medical Center (“Debtor”) holds three (3) wireless licenses (collectively, the “Licenses” or singly, a “License”) issued and regulated by the FCC. The Licenses are identified as follows: two (2) industrial/business pool wireless radio licenses operating under call signs KUW245, WPLS821, and one (1) public safety pool wireless radio license operating under call sign WQFP242.

2. On September 30, 2017, Debtor filed a voluntary petition for relief under Chapter 9 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of California, Fresno Division (the “Bankruptcy Court”).

1 3. Although in bankruptcy, Debtor remains responsible for complying with all
2 applicable regulatory requirements pertaining to the Licenses, including all regulatory requirements
3 for operation and transfer of the Licenses.

4 4. Specifically, and without limitation, the FCC's regulations at 47 C.F.R. § 1.948 and
5 Section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d), require the
6 Debtor to seek and obtain FCC approval to transfer any License or to transfer of control of the
7 Debtor, whether any such transfer is voluntary or involuntary or direct or indirect, and irrespective of
8 whether the Debtor possesses any other FCC license or authorization.

9 5. Therefore, the FCC hereby provides notice that it is the responsibility of the Debtor
10 and any transferee of a License or transferee of control of Debtor to ascertain and comply with all
11 FCC rules and regulations, including those pertaining to transfer of a License or transfer of control
12 of Debtor.

13 6. The FCC respectfully requests that any order issued by the Bankruptcy Court
14 regarding the sale, transfer or assignment of any License include the following language:

15 Notwithstanding any other provision of this Order or any other Order of
16 this Court, no assignment of any rights and interests of Debtor in any
17 federal license or authorization issued by the Federal Communications
18 Commission ("FCC") shall take place prior to the issuance of FCC
19 regulatory approval for such assignment pursuant to the
20 Communications Act of 1934, as amended, and the rules and regulations
21 promulgated thereunder. The FCC's rights and powers to take any
22 action pursuant to its regulatory authority, including, but not limited to,
23 imposing any regulatory conditions on such assignments and setting any
24 regulatory fines or forfeitures, are fully preserved, and nothing herein
25 shall proscribe or constrain the FCC's exercise of such power or
26 authority to the extent provided by law.

27 7. If Debtor seeks to transfer a License or to transfer of control of itself pursuant to a
28 plan of reorganization, the FCC respectfully requests that any proposed confirmation order include
the following language:

29 No provision in the Plan or this Order relieves Debtor or the reorganized
30 Debtor from the obligation to comply with the Communications Act of
31 1934, as amended, and the rules, regulations and orders promulgated
32 thereunder by the Federal Communications Commission ("FCC"). No
33

1 transfer of control of Debtor or transfer of any License or any other
2 federal license or authorization issued by the FCC shall take place prior
3 to the issuance of FCC regulatory approval for such transfer of control
4 or transfer of license or authorization pursuant to applicable FCC
5 regulations. The FCC's rights and powers to take any action pursuant
6 to its regulatory authority, including, but not limited to, imposing any
7 regulatory conditions on such transfers, are fully preserved, and nothing
8 herein shall proscribe or constrain the FCC's exercise of such power or
9 authority.

10 Respectfully submitted,

11 Dated: April 18, 2018

12 McGREGOR W. SCOTT
United States Attorney

13 By: /s/Jeffrey J. Lodge
14 JEFFREY J. LODGE
15 Assistant U.S. Attorney
16 Attorneys for the United States
17 Department of Health and Human Services